

Serial No. 10/702,038 8
Docket No. P21-163397M/YS
(NGB.327)

REMARKS

Applicants concurrently file herewith a Petition for Extension of Time and corresponding extension of time fee for a two-month extension of time.

Claims 1 and 27-47 are all of the claims presently pending in the application. Applicants have editorially amended the claims for clarity. Applicants have added claim 47 to claim additional features of the invention.

Applicants gratefully acknowledge the Examiner's indication that claims 33, 35, and 39-44 would be allowable if rewritten in independent form. Applicants respectfully submit, however, that all of claims 1 and 27-47 are allowable.

Claim 44 stands rejected under 35 U.S.C. § 112, second paragraph, as alleged by the Examiner. Claims 1, 27, 28, 31, 32, 34, 36-38, and 45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Knott (U.S. Patent No. 2,136,854). Claims 29, 30 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Knott in view of Clavin, et al. (U.S. Patent No. 5,413,391; hereinafter "Clavin"). Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Knott.

Applicants respectfully traverse these rejections in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention, as defined by exemplary claim 1, recites a lock apparatus for attaching a container member to a support member openably.

The lock apparatus includes an operation handle, a spring, which is movably supported by the container member, a slide pin, which is urged in a direction of a lock hole defined on the support member by the spring, respectively, and a cam member to which the rear end

portion of the slide pin is attached to urge the slide pin to project and retract, wherein a cylinder portion that accommodates the cam member is formed on the operation handle (e.g., see Application at page 14, line 23 through page 14, line 1).

Accordingly, the slide pin, if necessary, can be easily disengaged from the cam, by merely rotating the slide pin and cam relative to each other.

II. THE INDEFINITESS REJECTION

The Examiner has rejected claim 44 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, the Examiner alleges that the phrase “the extension portion” lacks antecedent basis.

Applicants have amended claim 44 to depend from claim 43, thus providing antecedent basis for “the extension portion.”

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

III. THE PRIOR ART REFERENCES

A. The Knott Reference

The Examiner alleges that Knott teaches the claimed invention of claims 1, 27, 28, 31, 32, 34, 36-38, and 45. Furthermore, the Examiner alleges that the claimed invention of claim 46 would have been obvious in view of Knott. Applicants submit, however, that Knott does not teach or suggest each and every feature of the claimed invention.

That is, Knott does not teach or suggest, “*a cam member to which a rear end portion of the slide pin is attached to urge the slide pin to project and retract*”, as recited in exemplary

Serial No. 10/702,038 10
Docket No. P21-163397M/YS
(NGB.327)

claim 1 and similarly recited in exemplary claims 45 and 46.

In rejecting the claims, the Examiner analogizes the spindle 6 and sleeve 10 of Knott to the claimed cam member and the latch bolt 15 to the claimed slide pin (see Office Action dated February 17, 2009 at page 2). The latch bolt 15, however, is not attached to the spindle 6 or sleeve 10.

Furthermore, Knott does not teach or suggest, “*wherein the spring is accommodated within the cylinder*”, as recited in exemplary dependent claim 27.

In rejecting the claims, the Examiner analogizes the coil spring 12 and the sleeve part 8 of Knott to the claimed spring and cylinder, respectively. The coil spring 12, however, is clearly not accommodated within the cylinder (see Knott at Figure 3). Indeed, the coil spring 12 and the sleeve part 8 are separated by the sidewall 5.

Moreover, Knott does not teach or suggest, “*wherein the cylinder includes a projection on an inner face thereof, and wherein the cam member includes a cam groove having a guide portion for guiding the projection into the cam groove*”, as recited in exemplary dependent claim 31 and similarly recited in exemplary dependent claim 32.

Indeed, as is illustrated in Figures 3 and 4 of Knott, the flat inner surface of the sleeve part 8 contacts the flat outer surface of the spindle 6. Knott does not disclose the claimed projection or groove.

Therefore, Applicants submit that Knott does not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

B. The Clavin Reference

The Examiner alleges that one of ordinary skill in the art would have combined Clavin with Knott to teach the claimed invention of claims 29, 30 and 34. Applicants submit, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, claims 29, 30, and 34 are allowable at least based on similar reasons to those set forth above, in section A, with respect to claims 1, 27, 28, 31, 32, 34, 36-38, 45, and 46.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

IV. NEW CLAIM

Applicants have added new claim 47 to claim an additional feature of the invention and to vary the protection for the claimed invention further. This claim is independently patentable because of the novel and nonobvious features recited therein.

Applicants submit that new claim 47 is patentable over the cited prior art references at least for analogous reasons to those set forth above with respect to claims 1 and 27-46.

V. STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants' representatives would like to thank the Examiner for courtesies extended in the personal interview conducted on July 7, 2009.

Serial No. 10/702,038 12
Docket No. P21-163397M/YS
(NGB.327)

The Examiner provided an Examiner's Interview Summary Record (PTOL-413) at the interview on July 7, 2009.

Applicants submit this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, the following was discussed:

A. Identification of claims discussed:

Claims 1, 27, 31, 32, 45, and 46.

B. Identification of prior art discussed:

Knott.

C. Identification of principal proposed amendments:

None.

D. Brief Identification of principal arguments:

Applicants' representative provided arguments similar to those set forth above in section III.

E. Results of the Interview:

In response to the arguments presented, the Examiner maintained his position. The Examiner, however, proposed several editorial amendments that would overcome the current rejections. Specifically, the Examiner suggested replace the term "fitted" with the term

Serial No. 10/702,038 13
Docket No. P21-163397M/YS
(NGB.327)

“attached” in claims 1, 45, and 46, the Examiner suggested changing the phrase “accommodates” to “accommodated within” in claim 27, and suggested replacing “projected portion” with “projection” in claims 31 and 32.

While Applicants’ disagree, Applicants amended the claims as suggested by the Examiner. Applicants and the Examiner agreed that the proposed claim amendments would overcome the current prior art rejections.

VI. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1 and 27-47, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 10/702,038 14
Docket No. P21-163397M/YS
(NGB.327)

The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: July 16, 2009

Respectfully Submitted,



Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254